



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

AGENDA

Monday, March 16, 2009

Commissioner Deidre Malone, Chairman
Commissioner Joyce Avery, Chairman Pro Tempore
Commissioner Henri E. Brooks
Commissioner Wyatt Bunker
Commissioner Mike Carpenter
Commissioner Sidney Chism
Commissioner George Flinn

Commissioner Joe Ford
Commissioner J.W. Gibson II
Commissioner James Harvey
Commissioner Matt Kuhn
Commissioner Steve Mulroy
Commissioner Mike Ritz

3/13/2009 1:29 PM

1:30 PM

COMMISSION CONVENES

CALL TO ORDER

Chairman Deidre Malone

OPENING OF THE COMMISSION

Deputy Sheriff

INVOCATION

**Apostle Alton R. Williams, Senior
Pastor
World Overcomers Outreach Ministries
Church**

PLEDGE OF ALLEGIANCE

ROLL CALL

Approval of Minutes of Previous Session

CONSENT AGENDA

Resolutions of Memorial, Sympathy and Commendation

1. [Resolution honoring the induction of Mr. Frank Inman, Jr., Chairman \(retired\), Inman Construction Corp., into the Society of Entrepreneurs. Sponsored by Commissioner Mike Carpenter.](#)
2. [Resolution honoring the induction of Mr. R. E. Linkous, President and Founder of Linkous Construction Company, Incorporated, into the society of Entrepreneurs. Sponsored by Commissioner Mike Carpenter.](#)
3. Resolution commending Ridgeway High School upon receiving designation as an “International Baccalaureate School” and encouraging President Barack Obama to visit Memphis in recognition of the achievements in local public education. Sponsored by Commissioner Steve Mulroy.

Ordinances

CHISM
Chairman, Law
Enforcement
Committee

4. [ORDINANCE - FIRST READING - An Ordinance by the Shelby County Board of Commissioners amending the Shelby County Fire Code, as adopted by the Shelby County Board of Commissioners in Ordinance # 251 on September 10, 2001, so as to make certain changes as hereinafter set out and establish an effective date therefore. Ordinance sponsored by Commissioner Chism.](#)

Zoning and Subdivisions

Reports and/or Resolutions for Standing Committees

CARPENTER

Acting Chairman,
Budget Committee

5. Resolution requesting the county mayor and other county elected officials make certain recommendations relative to the proposed biennial budget submitted for Fiscal Years 2010 AND 2011 and expressing the desire of the Shelby County Board of Commissioners relative to the recommendations requested herein. Sponsored by Commissioner Mike Ritz. (WITHDRAWN IN COMMITTEE 3/11/09)

CARPENTER

Acting Chairman,
Budget Committee

6. Resolution to amend the compensation policy adopted by Resolution #32 on July 21, 2008, to authorize a one time stipend of one percent of the base salary for eligible employees to be paid on or about January 31, 2009, and to authorize the mayor to amend the FY 2009 budget as necessary to provide these payments. The cost will be approximately \$3.5 million in total and \$2.4 million to the general fund. Sponsored by Chairman Deidre Malone. (WITHDRAWN IN COMMITTEE 3/11/09)

BUNKER

Chairman, Public
Works Committee

7. A resolution approving a revised agreement with the Town of Collierville to treat the wastewater from the Cotton Creek Area. Sponsored by Commissioner Wyatt Bunker. (WITHDRAWN IN COMMITTEE 3/11/09)

Bunker

Chairman, Public
Works Committee

8. Resolution approving a Temporary Access Agreement with Security Signals, Inc., allowing its access to certain areas of the rights-of-way of Big Orange Road and Cordova Park Road for environmental investigation and/or remediation work and authorizing the Shelby County Mayor to execute the Temporary Access Agreement. Sponsored by Commissioner Wyatt Bunker.

FLINN

Vice-Chairman,
Hospitals and Health
Committee

9. A resolution approving an amendment to the FY2008-2009 operating budget of the Memphis City Schools Nurses Program increasing the budget in the amount of \$13,540.00 for the provision of nursing services by Registered Nurses and Licensed Practical Nurses to Memphis City Schools and an amendment to the FY2008-2009 position control budget and the appropriation of said funds. This item requires the expenditure of County grant funds in the amount of \$13,540.00. Resolution sponsored by Commissioner Joyce Avery.

FLINN

Vice-Chairman,
Hospitals and Health
Committee

10. A resolution approving an amendment to the FY2008-2009 operating budget of the Shelby County Schools Nurses Program increasing the budget in the amount of \$293,471.00 for the provision of nursing services by Registered Nurses and Licensed Practical Nurses to Shelby County Schools and an amendment to the FY2008-2009 position control budget and the appropriation of said funds. This item requires the expenditure of County Grant funds in the amount of \$293,471.00. Resolution sponsored by Commissioner Joyce Avery.

CHISM

Chairman, Law
Enforcement
Committee

11. A resolution amending the FY09 budget in the amount of \$142,956.96 to allow maximum expenditure of grant funds from a Governor's Highway Safety Grant, previously approved by the Shelby County Board of Commissioners. This item requires expenditure of grant funds in the amount of \$142,956.96. Sponsored by Commissioner Sidney Chism.

CHISM

Chairman, Law
Enforcement
Committee

12. A resolution approving a contract between Shelby County Office of Preparedness and Verizon Wireless in the amount of \$950,000.00 for personal data assistants (PDA's) equipment, and wireless data services for law enforcement and other first responders in the Memphis/Shelby County Urban Area and this item requires the expenditure of pass through grant funds under the U.S. Department of Homeland Security grant programs in the amount of \$950,000.00. Sponsored by Commissioner Sidney Chism.

CHISM

Chairman, Law
Enforcement
Committee

13. A resolution approving a sub-award to the City of Memphis on behalf of the Shelby County Government, Office of Preparedness in the amount of \$258,145.00 in accordance with the 2007 Metropolitan Medical Response System Grant Funds, and this item requires the expenditure of pass through funds in the amount of \$258,145.00 under the U.S. Department of Homeland Security grant programs. Sponsored by Commissioner Sidney Chism.

CHISM

Chairman, Law
Enforcement
Committee

14. A resolution approving a sub-award to Desoto County Emergency Management Agency (EMA) on behalf of Memphis/Shelby County Office of Preparedness in the amount of \$101,000.00 in accordance with the 2007 Urban Area Security Initiative Grant Funds, and this item requires the expenditure of pass thru funds in the amount of \$101,000.00 under the U.S. Department of Homeland Security grant programs. Sponsored by Commissioner Sidney Chism.

CHISM

Chairman, Law
Enforcement
Committee

15. A resolution approving a sub-award to Crittenden County Emergency Management Agency (EMA) on behalf of Memphis/Shelby County Office of Preparedness in the amount of \$101,000.00 in accordance with the 2007 Urban Area Security Initiative grant funds, and this item requires the expenditure of pass thru funds in the amount of \$101,000.00 under the U.S. Department of Homeland Security grant programs. Sponsored by Commissioner Sidney Chism.

CHISM

Chairman, Law
Enforcement
Committee

16. a resolution approving a sub-award to Fayette County Emergency Management Agency (EMA) on behalf of Memphis/Shelby County Office of Preparedness in the amount of \$101,000.00 in accordance with the 2007 Urban Area Security Initiative Grant Funds, and this item requires the expenditure of pass thru funds in the amount of \$101,000.00 under the U.S. Department of Homeland Security grant programs. Sponsored by Commissioner Sidney Chism.

CHISM

Chairman, Law
Enforcement
Committee

17. A resolution approving a sub-award to Tipton County Emergency Management Agency (EMA) on behalf of Memphis/Shelby County Office of Preparedness in the amount of \$101,000.00 in accordance with the 2007 Urban Area Security Initiative Grant Funds, and this item requires the expenditure of pass thru funds in the amount of \$101,000.00 under the U.S. Department of Homeland Security grant programs. Sponsored by Commissioner Sidney Chism.

CHISM

Chairman, Law
Enforcement
Committee

18. A resolution approving a sub-award to Lauderdale County Emergency Management Agency (EMA) on behalf of Memphis/Shelby County Office of Preparedness in the amount of \$101,000.00 in accordance with the 2007 Urban Area Security Initiative grant funds, and this item requires expenditure of pass thru funds in the amount of \$101,000.00 under the U.S. Department of Homeland Security Grant Programs. Sponsored by Commissioner Sidney Chism.

CHISM

Acting Chairman, Land
Use Committee

19. Resolution approving a contract between Shelby County Government and Parsons Transportation on the amount of \$120,000.00 for the purpose of preparing the Houston Levee Corridor Study for the Memphis Metropolitan Planning Organization; funding for this project is 80% federal and 20% city/county. This item requires an expenditure of \$120,000.00 of which 80% is federally funded and 20% city/county funded. Sponsored by Commissioner Mike Ritz.

CHISM

Acting Chairman, Land
Use Committee

20. Resolution approving a contract between Shelby County Government and Dalhoff Thomas Daws LLC (DTD LLC) in the amount of \$247,500.00 for the purpose of preparing the Southern Poplar Corridor Study for the Memphis Metropolitan Planning Organization; funding for this project is 80% federal and 20% city/county. This item requires an expenditure of \$247,500.00 of which 80% is federally funded and 20% city/county funded. Sponsored by Commissioner Mike Ritz.

FORD

Chairman, General
Government
Committee

21. Resolution receiving and filing the oath of office for the Honorable Matthew Kuhn for the position of Shelby County Commissioner for District 4, Position 3. Sponsored by Commissioner Joe Ford.

KUHN

Chairman, Delinquent
Tax Property
Committee

22. Resolution approving the sale of seven (7) county owned Delinquent Tax Parcels, acquired from Shelby County Trustee Tax Sale Nos. 0005, 32, 0204, 0205, 0206, and 0403, to identified purchasers at various prices collectively totaling \$54,200.00, pursuant to the sale provisions of T.C.A. §67-5-2507 and authorizing the Shelby County Mayor to execute Quit Claim Deeds. Sponsored by Commissioner George S. Flinn, Jr.

KUHN

Chairman, Delinquent
Tax Property
Committee

23. Resolution approving the sale of nine (9) county owned Delinquent Tax Parcels, acquired from Shelby County Trustee Tax Sale Nos. 96.20, 98.20, 99.01, 0304, 0306, and 0403, to identified purchasers at various prices collectively totaling \$13,350.00, pursuant to the sale provisions of T.C.A. §67-5-2507 and authorizing the Shelby County Mayor to execute quit claim deeds. Sponsored by Commissioner George S. Flinn, Jr.

REGULAR AGENDA**Elections, Appointments, and Confirmations****FORD**

Chairman, General
Government
Committee

24. Resolution approving the county mayor's nomination of Lauren Taylor for appointment to the Shelby County Conservation Board. Sponsored by Commissioner Joe Ford.

FORD

Chairman, General
Government
Committee

25. Resolution approving the county mayor's nomination of Dwayne M. Matthews for appointment to the Memphis and Shelby County Music Commission. Sponsored by Commissioner Ford.

FORD

Chairman, General
Government
Committee

26. [Resolution approving the county mayor's nomination of Jon McCreery for reappointment to the Memphis and Shelby County Land Use Control Board. Sponsored by Commissioner Ford. \(DEFERRED TO 3/30/09\)](#)

Ordinances**Zoning and Subdivisions****Reports and/or Resolutions for Standing Committees****CARPENTER**

Acting Chairman,
Budget Committee

27. [Resolution to appropriate funds in the amount of \\$60,000,000.00 from the FY 2009 Capital Improvement Budget to Memphis City Schools and Shelby County Schools in accordance with the terms of the Joint Funding Agreement between Memphis City School Board, Shelby County School Board and the Shelby County Board of Commissioners for CIP funding for fiscal years 2006-2009. This item requires expenditure of CIP funds in the amount of \\$60,000,000. Sponsored by Commissioner J. W. Gibson.](#)

HARVEY

Chairman, Economic
Development
Committee

28. [Resolution to clarify policy of assessing five \(\\$5\) dollars per unit per month to recoup the cost of providing improvements, facilities and services to tax exempt properties under Tenn.Code Ann. 67-5-207, et seq. Sponsored by Commissioner James M. Harvey.](#)

HARVEY

Chairman, Economic
Development
Committee

29. Resolution declaring the intent of the Shelby County Board of Commissioners to sell the county's interest in the Mid-South Coliseum arena and the Liberty Bowl real property to the City of Memphis for fair market value and request the proceeds be designated to fund Memphis City Schools' programs for the over aged students and homeless children populations; requesting the County Mayor's administration seek to transfer said properties; and authorizing the County Mayor to execute quit claim deeds and other necessary documents. Sponsored by Commissioner Henri Brooks. (FAILED IN COMMITTEE FOR LACK OF SECOND)

KUHN

Acting Chairman,
Legislative Committee

30. Resolution requesting the Shelby County Delegation and Tennessee General Assembly support legislation amending Tennessee Code Annotated Title 39 and Title 40, Chapter 6, relative to the illegal possession of firearms, commission of crimes with the use of firearms and the offenders who commit such crimes. Sponsored by Commissioner Steve Mulroy. (DEFERRED TO 3/30/09)

KUHN

Acting Chairman,
Legislative Committee

31. Joint resolution of the Board of County Commissioners of Shelby County, Tennessee and the Memphis City Council requesting the members of the Tennessee General Assembly support legislation to enhance punishment for violent crimes committed with a firearm and crimes committed by three or more persons acting together. Co-sponsored by Chairman Deidre Malone and Commissioner Mike Carpenter.

Announcements/Statements

- 32. Notification from County Mayor of appointments/reappointments to various Boards, Commissions, and offices of Shelby County Government. a) Resolution appointing Robert Stevenson to the Shelby County Beer Board. Sponsored by Commissioner Joe Ford. b) Resolution appointing Neil E. Ringel and reappointing James G. Harbor and Shirley Thornton to the Shelby County Board of Equalization. Sponsored by Commissioner Mike Ritz. c) Resolution approving the county mayor's nomination of Whit Greenway and John Saucier for reappointment to the Memphis and Shelby County Mechanical/Gas Code Board. Sponsored by Commissioner Joe Ford.**

Adjournment

- 33. Resolution of adjournment to Monday, March 30, 2009 at 1:30 p.m.**